

COMMITTEE ON BILLS ON SECOND READING

August 7, 2006

5:15 PM

Chairman Duval called the meeting to order.

The Clerk called the roll.

Present: Aldermen Duval, Lopez, Gatsas, Garrity, Pinard

Chairman Duval stated regarding the conclusion of the hearing regarding zoning changes in the City of Manchester, I'd like to ask the committee what their pleasure is on these matters.

Alderman Garrity made a motion to move it to full Board.

Deputy Clerk Johnson stated we have items listed as 3, 4, and 5, and the motion would be ought to pass if you want to pass it on to Board. Is that what you're looking to do or are you looking to move it on for discussion to the Board?

Chairman Duval asked Alderman Garrity, just a point of clarification. Are you moving all items?

Alderman Garrity asked would you like to take them one at a time, Mr. Chairman?

Chairman Duval responded I think one at a time is probably appropriate. Go ahead.

3. Ordinance:

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 0372, Lot 0010-A, known as L Chenette Ave.”

Deputy City Clerk Johnson noted that this item was something that was approved by Lands and Buildings and referred to this committee by the Board. We'd look for a motion ought to pass or to table or to get other information.

On motion of Alderman Garrity, duly seconded by Alderman Pinard, it was voted to recommend that the ordinance ought to pass.

Chairman Duval addressed Item 4 on the agenda:

4. Ordinance:

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

On motion of Alderman Garrity, duly seconded by Alderman Pinard, it was voted to remove the item for discussion.

Alderman Gatsas asked what is the decibels...am I looking at that - a number four...the noise levels?

Deputy Clerk Normand asked what do you mean number 4?

Alderman Gatsas stated I'm looking at a noise level, residential.

Deputy Clerk Normand asked the table?

Alderman Gatsas replied it's a table, correct. I'm sorry. Explain so that I understand...

Deputy Clerk Normand said how that works is you have a residential complaint. For instance, somebody was playing music too loud at their house at 9:00 at night, and a neighbor was complaining against the another residential premise. It's 55 decibels on a decibel meter at that residential property line. So, as you look at that table, whether it's coming from a commercial property as the receptor premises versus the source premises along the left hand side of the table.

Alderman Gatsas asked can you give me an idea of what 55 decibels represents?

Deputy Clerk Normand responded not very loud. I remember Mr. Sawyer testifying that it was something along the lines of a lawn mower, but I don't know that for sure.

Alderman Gatsas said some of these look...I don't know what the number is... and at 55 because I'm looking at the next page where it says Table – Maximum Allowed Noise Levels for Motor Vehicles. That's 80. That's 40 percent difference from 55 to 80. I want to make sure that we're not just putting ourselves into a situation that the Building Department is going to have a thousand complaints.

Deputy Clerk Johnson said Mr. Chairman, if I could just add to this. There actually is no change in those tables to my knowledge. The only change would be near the end where it is showing a citation under the first offense it's increasing it to \$100 as a penalty. The rest of the ordinance is not changing. It is what is actually in the law at this point in time. Not to say this Committee couldn't ask the Committee on Administration to go back and look at those. The only real change in the ordinance before you is the \$100 at this time, which is shown on the last page of that ordinance, under penalties 94-44.

Alderman Gatsas asked was the ordinance that was rewritten for noise passed and then we just changed the penalties?

Deputy Clerk Normand stated this was passed at a previous Board meeting. What the issue was if you see what's been crossed out on that 94-44, the police department was forced to issue a written warning essentially for a noise complaint for a first offense, and that's not been the practice.

Alderman Gatsas asked how does this coincide with the state law that was passed on?

Deputy Clerk Normand responded I couldn't tell you.

Alderman Garrity stated Mr. Chairman this is just an increase in the fines. Is that correct?

Chairman Duval responded that's my understanding.

Alderman Garrity moved that the Ordinance ought to pass. Alderman Pinard duly seconded the motion.

Alderman Lopez said I think that Alderman Gatsas has got some good points there. Just because we're talking about the fine...but maybe that should be reviewed by the Committee on Administration We're becoming really Gestapos if we're talking about lawn mowers...I call up the police department and say "Hey, this guy's running his lawnmower," Saturday or Sunday...They've got a meter, I presume, right Matt?

Deputy Clerk Normand answered that's correct.

Alderman Lopez asked is there something wrong with this that we should review it to make sure? Has the Building Department...when we made the ordinance, did they cross-reference all this stuff?

Deputy Clerk Normand responded I'm not sure about the Building Department. I know there was an extensive discussion on the Committee on Administration for several years actually. Eric Sawyer was involved; who's an engineer. Our solicitor's office reviewed it, of course. The police were involved.

Alderman Lopez stated I don't mind passing it but maybe there is a point that we should have that particular section, Table A, reviewed.

Chairman Duval stated there's a motion on the floor.

Deputy Clerk Johnson stated that the ordinance ought to pass and then perhaps you could take a separate motion to refer the remainder to the Committee on Administration.

Chairman Duval stated that's fine with me and called for a vote. The motion carried with Alderman Gatsas duly recorded in opposition.

Deputy Clerk Johnson asked did you want to take a separate motion to request the Committee on Administration to go back and review the table?

Chairman Duval stated Alderman Lopez is inclined to propose that.

Alderman Lopez stated I am, just to review it, to make sure that we really know what we're doing here. Even though we passed the ordinance before, but it's a good point that the Alderman brought up.

Deputy Clerk Johnson stated you want to review consistencies with state law, which I believe Alderman Gatsas was concerned with.

On motion of Alderman Lopez, duly seconded by Alderman Pinard, it was voted to ask the Committee on Administration to review the table and check for consistency with state law.

5. Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban Multi-Family) zone district to include property currently zoned IND (Industrial) located on the south side of Holt Avenue between East Industrial Park Drive and Waverly Street and known as Tax Map 716, Lot 38.”

Alderman Pinard moved that the Ordinance ought to pass. Alderman Lopez duly seconded the motion.

Chairman Gatsas asked for discussion. The only problem I see is that the slope, with the retention pond on the backside, that's a private way. Water coming down that street, I assume, because I'm dealing with a retention pond now in Ward 2, is a problem.

Chairman Duval stated perhaps anybody representing that group, or Mr. MacKenzie here this evening, can address that issue prior to going to the full board in September. Do we have that covered?

There being no further discussion, Chairman Duval called for a vote on the motion that the Ordinance ought to pass with a report from Mr. MacKenzie to be provided to the full Board regarding the retention pond issue.

6. Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, and 875-16.”

Chairman Duval stated before we take a vote I just want to give personal comment on this. I am thoroughly impressed and I have been right along with the collaboration between elected officials, namely Alderman Garrity, the Diocese of New Hampshire, corporation representatives, development representation, in putting this project together and this proposed rezoning, not to mention the number of neighbors that have come forward to work side-by-side with City leaders and the such but it's quite the collaboration so I'd like the Board to consider this favorably. I'd like to entertain a motion.

On motion of Alderman Garrity, duly seconded by Alderman Pinard, it was voted that the Ordinance ought to pass with Alderman Gatsas duly recorded in opposition.

7. Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot #143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”

Alderman Garrity stated first, Mr. Chairman, thank you for your kind comments, and I move for approval to the full Board.

Alderman Garrity moved that the Ordinance ought to pass. Alderman Pinard duly seconded the motion.

Chairman Duval asked discussion?

Alderman Gatsas stated as I said when this came before us that I wasn’t opposed to the project, but to stay consistent with what my vote is I’m opposed that the City is going to be in the risk position. I understand we’ve been told that we aren’t. My belief is if have a deal we should have a deal that the City is not going to be in risk business. Risk is usually taken by developers and there’s usually a profit at the end of it. So, I will stay consistent and certainly I applaud Alderman Garrity for the work he’s done, but I will stay consistent from where I was with my last vote.

There being no further discussion Chairman Duval called for a vote. The motion carried with Alderman Gatsas duly recorded in opposition.

There being no further business to come before the Committee, on motion of Alderman Pinard, duly seconded by Alderman Garrity, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee